

CLERK USDC EDWI  
FILED

2023 MAY - 1 P 4:10

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

Chaz Biami \_\_\_\_\_, Petitioner,  
**Full Name (under which you were convicted)**

551508  
**Prisoner Number**

Fox Lake Correctional Institution  
**Place of Confinement**

**Docket No.** 22-CV-544-JPS  
*(to be supplied by Clerk)*

Warden Meisner \_\_\_\_\_, Respondent.  
**Authorized Person Having Custody of Petitioner**

vs.

**AMENDED**

**PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2254  
BY A PERSON IN STATE CUSTODY**

**Caution:** THIS IS NOT THE FORM TO BE USED, IF YOU CLAIM THAT YOUR FEDERAL SENTENCE OR CONVICTION IS UNLAWFUL, OR IF YOU ARE A PRETRIAL DETAINEE CHALLENGING YOUR PRECONVICTION CUSTODY, A FEDERAL PRISONER CHALLENGING THE EXECUTION OF YOUR SENTENCE OR AN ACTION TAKEN BY THE BUREAU OF PRISONS, OR A PERSON IN CUSTODY CHALLENGING AN IMMIGRATION-RELATED ORDER.

**I. SUBJECT OF THIS PETITION**

A. Name and location of the state court that entered the judgment of conviction which you are challenging

Milwaukee Circuit Court, Branch 19

---

---

B. Criminal docket or case number 2016CF2689

C. Date of the judgment of conviction 04/03/2017

D. Date of sentencing 03/31/2017

E. Length of sentence 20 Years Initial Confinement and 10 Years Extended Super Vision

F. In this case, were you convicted on more than one count or of more than one crime?

Yes       No

G. Identify all crimes of which you were convicted and sentenced in this case

3 Counts of Intoxicated Use of a Motor Vehicle with repeat offender enhancers. Class F felonies.

---

---

3 Counts of Reckless Injury with repeat offender enhancers. Class F felonies.

---

---

H. What was your plea? (Check one)

Not guilty     Guilty     Insanity plea     Nolo contendere (*no contest*)

If you entered a guilty plea to one count or charge and a not guilty plea to another count or charge, what did you plead guilty to and what did you plead not guilty to?

N/A

---

---

I. If you went to trial, what kind of trial did you have? (Check one)

Jury     Judge only

**SUBJECT OF THIS PETITION - *continued***

J. Did you testify at a pretrial hearing, trial, or a post-trial hearing?

Yes       No

If yes, state the type(s) of hearing or proceeding

---

**II. DIRECT STATE APPEAL OF CONVICTION**

A. Did you appeal from the judgment of conviction?

Yes       No

If yes, attach the decision(s) that resolved your appeal and answer the following questions:

1. Date of filing appeal 01/22/2021

2. Grounds raised Failing to establish defendant's knowledge of the nature of his charges.

---

---

---

3. Result Affirmed

4. Date 12/29/20

B. Did you seek further review by the highest state court?

Yes       No

If yes, attach the decision(s) that resolved your petition for review and answer the following questions:

1. Date of filing of petition for review                   

2. Grounds raised -Due Process for not a knowingly, voluntary, and intelligent plea.

---

Ineffective Assistance of Counsel.

---

---

---

3. Result Affirmed

4. Date

**DIRECT STATE APPEAL OF CONVICTION - *continued***

- C. Did you file a petition for certiorari in the United States Supreme Court?

Yes       No

If yes, attach the decision(s) that resolved your petition for certiorari and answer the following questions:

1. Date of filing petition for certiorari \_\_\_\_\_
2. Grounds raised \_\_\_\_\_  
\_\_\_\_\_
3. Result \_\_\_\_\_
4. Date \_\_\_\_\_

**III. STATE POST-CONVICTION RELIEF OTHER THAN DIRECT APPEAL**

- A. Other than the appeals listed above in Section II, have you previously filed any other state petitions, applications, or motions concerning **this** state judgment of conviction?

Yes       No

If yes, attach the decision(s) that resolved your application for state post-conviction relief and answer the following questions:

1. Name of court Wisconsin Appellate Court, District 1
2. Docket or case number 2016CF2689
3. Date of filing 1/22/21
4. Type of petition, application, or motion filed Motion for reconsideration and Response to No-Merit
5. Grounds raised Ineffective assistance of counsel and due process for not understanding the nature of charges against him.  
\_\_\_\_\_
6. Did you receive a hearing where evidence was given on your petition, application, or motion?  
 Yes       No
7. Result Affirmed

**STATE POST-CONVICTION RELIEF OTHER THAN DIRECT APPEAL- *continued***

8. Date 2/8/21

9. Did you appeal to the highest state court having jurisdiction over the action taken on your first state petition, application, or motion?

Yes     No

B. If you filed a second petition, application, or motion, attach the decision and answer the following questions:

1. Name of court \_\_\_\_\_

2. Docket or case number \_\_\_\_\_

3. Date of filing \_\_\_\_\_

4. Type of petition, application, or motion filed \_\_\_\_\_

5. Grounds raised \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Did you receive a hearing where evidence was given on your petition, application, or motion?

Yes     No

7. Result \_\_\_\_\_

8. Date \_\_\_\_\_

9. Did you appeal to the highest state court having jurisdiction over the action taken on your second state petition, application, or motion?

Yes     No  
\_\_\_\_\_  
\_\_\_\_\_

C. If you filed a third petition, application, or motion, attach the decision and answer the following questions:

1. Name of court \_\_\_\_\_

2. Docket or case number \_\_\_\_\_

3. Date of filing \_\_\_\_\_

**STATE POST-CONVICTION RELIEF OTHER THAN DIRECT APPEAL- continued**

4. Type of petition, application or motion filed \_\_\_\_\_
5. Grounds raised \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. Did you receive a hearing where evidence was given on your petition, application, or motion?  
 Yes     No
7. Result \_\_\_\_\_
8. Date \_\_\_\_\_
9. Did you appeal to the highest state court having jurisdiction over the action taken on your third state petition, application, or motion?  
 Yes     No

**IV. GROUNDS FOR RELIEF**

For this petition, state **every** ground supporting your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. If you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

Attach additional pages if you have more than four grounds. State the facts supporting each ground.

**CAUTION:** To proceed in the federal court, you must ordinarily first exhaust (*use up*) your available state-court remedies on each ground on which you request action by the federal court.

Ground One THE DEFENDANT RECEIVED INEFFECTIVE ASSISTANCE OF COUNCIL FOR FAILING  
TO RAISE AN ISSUE OF MERIT.

Supporting **FACTS** (*Briefly summarize the facts without citing cases or law.*)

Biami's counsel failed to raise an issue of merit by not raising the issue of a 971.08[1][a] violation as well as rule 11 requirement that the plea was knowingly, intelligently, and voluntarily made. Biami's counsel should have known to raise this clear and obvious issue of merit. This issue was stronger than the issue that was raised or lackthereof. This constitutes deficient performance that falls below an objective standard of

**GROUND FOR RELIEF - continued**

reasonableness that prejudiced the defendant. The outcome would have been different because the defendant  
would have had his plea withdrawn.

---

---

---

---

---

---

If you did not exhaust your state remedies on Ground One, explain why.

The appellate court affirmed my response to the no-merit report after I filed a motion for reconsideration for  
my response to that report.

---

Ground Two THE DEFENDANT'S DUE PROCESS RIGHTS WERE VIOLATED WHEN THE COURT FAILED  
TO FULFILL RULE OF CRIMINAL PROCEDURE'S RULE WIS. STAT. 971.08 REQUIREMENT. WHICH  
IS THE EQUIVALENT OF RULE 11 IN FEDERAL COURT

---

Supporting **FACTS** (*Briefly summarize the facts without citing cases or law.*)

Biami did not understand the nature of the charges against him. The elements were never established in court  
and the correct range of punishment was not given. The court recited the wrong elements for the crimes in  
which he pled. Failing to know the correct range of punishment as well as the correct elements constitutes  
a showing of an involuntary plea. Biami's plea was not knowingly, intelligently, or voluntarily made. Biami's  
education level at the time of taking his plea supports this reasoning as well.

---

---

---

---

**GROUND FOR RELIEF - *continued***

---

---

If you did not exhaust your state remedies on Ground Two, explain why.

The appellate court and supreme court affirmed Biami's motion.

Ground Three

**Supporting FACTS** (*Briefly summarize the facts without citing cases or law.*)

If you did not exhaust your state remedies on Ground Three, explain why.

**GROUND FOR RELIEF - *continued***

Ground Four

更多資訊請上網查詢：[www.104.com.tw](http://www.104.com.tw) 或撥打 104 服務專線：02-2787-3789

**Supporting FACTS** (*Briefly summarize the facts without citing cases or law.*)

If you did not exhaust your state remedies on Ground Four, explain why.

---

---

---

## **V. PRIOR FEDERAL CHALLENGES**

- A. Have you previously filed any type of petition, application, or motion in a federal court regarding the state conviction that you are challenging in this petition?

Yes       No

If yes, attach the decision(s) that resolved your prior federal court challenge and answer the following questions:

**1. Name of court**

**PRIOR FEDERAL CHALLENGES - *continued***

2. Docket or case number \_\_\_\_\_

3. Date of filing \_\_\_\_\_

4. Type of petition, application, or motion filed \_\_\_\_\_

5. Grounds raised \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Did you receive a hearing where evidence was given on your petition, application, or motion?

Yes     No

7. Result \_\_\_\_\_

8. Date \_\_\_\_\_

9. Did you appeal the action taken on your first federal petition, application, or motion to a federal court of appeals?

Yes     No

If yes, attach the decision(s) that resolved your appeal and answer the following questions:

a. Name of court \_\_\_\_\_

b. Docket or case number \_\_\_\_\_

c. Date of filing \_\_\_\_\_

d. Type of petition, application, or motion filed \_\_\_\_\_

e. Grounds raised \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PRIOR FEDERAL CHALLENGES - *continued***

f. Result \_\_\_\_\_

g. Date \_\_\_\_\_

B. Did you file a petition for certiorari in the United States Supreme Court?

Yes       No

If yes, attach the decision(s) that resolved your petition for certiorari and answer the following questions:

1. Date of filing petition for certiorari \_\_\_\_\_

2. Grounds raised \_\_\_\_\_

---

---

---

3. Result \_\_\_\_\_

4. Date \_\_\_\_\_

**VI. REPRESENTATION**

A. Give the name and address of each attorney who represented you in the following:

1. At preliminary hearing Adam Essling on behalf of Michael Steinle.  
\_\_\_\_\_  
\_\_\_\_\_

2. At arraignment and plea hearing Michael Steinle  
\_\_\_\_\_  
\_\_\_\_\_

3. At trial Not applicable  
\_\_\_\_\_  
\_\_\_\_\_

4. At sentencing Michael Steinle  
\_\_\_\_\_  
\_\_\_\_\_

5. On direct appeal Christopher Sobic  
\_\_\_\_\_  
\_\_\_\_\_

**REPRESENTATION - continued**

6. In any state post-conviction proceeding Pro se on the no-merit response as well as the motion for reconsideration and petition for review.

7. On appeal from any ruling against you in a state post-conviction proceeding pro se

**VII. REQUEST FOR RELIEF**

State exactly what you want the court to do for you.

I want the court to overturn my conviction and restore the original charges against myself, or a reduction of sentence via a sentence modification./or run all charges pled to concurrent!

**VIII. DECLARATION UNDER PENALTY OF PERJURY**

I, the undersigned, hereby declare under penalty of perjury that the foregoing information is true and correct.

Signed this April day of Twenty-fifth, 20 23.

Chase Gianni  
Signature of Petitioner

N/A  
(Signature of lawyer, if any)

If you are signing the petition and are not the petitioner, state your relationship to the petitioner and explain why the petitioner is not signing this petition.

**IX. CERTIFICATE OF INMATE MAILING - *Optional***

If you deposit your petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 in your prison/institutional/jail mailing system and attach first-class postage pre-paid, and complete and sign this statement, you will establish the filing date as the date of deposit in that mailing system.

I, the undersigned, hereby declare under penalty of perjury that I placed this petition for a writ of habeas corpus under 28 U.S.C. § 2254 in the prison/institutional/jail mailing system with prepaid, first-class postage on 4-27-23.

(month, day, year)

Signed this April day of Nineteenth, 2023.

Chase Bianni  
Signature of Petitioner